No. 90-1352

Supreme Court, U.S.
FILED
APR 26 1991
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In The

Supreme Court of the United States

October Term, 1990

MEXICAN AMERICAN BAR ASSOCIATION OF TEXAS (MABA), *et al.*,

Appellants,

v.

THE STATE OF TEXAS, *et al.*

Appellees.

On Appeal From The United States District Court For The Western District Of Texas

APPELLANTS' REPLY TO BRIEF FOR APPELLEE STATE OF TEXAS ON THEIR MOTION TO DIMISS

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On Appeal From The United States District Court For The Western District Of Texas

APPELLANTS' REPLY TO BRIEF FOR APPELLEE STATE OF TEXAS ON THEIR MOTION TO DISMISS

ARGUMENT

Appellee State of Texas raises into question the standing of appellant to bring this appeal. They claim that the notice of appeal filed by the appellant was defective in that there is no mention of any individual as an appellant and that the Mexican American Bar Association (MABA) has no standing to appeal. The Appellants reply as follows:

1. The notices of appeal mention that an appeal is brought on behalf of Plaintiff Christina Moreno, who is a minority voter. In the Plaintiffs' Notice of Appeal and the Plaintiffs' Amended Notice of Appeal (see pages 43 and 96 of the Appendix to the Jurisdictional Statement filed by the Appellants) it is clear that the appeal is brought by the Texas Rural Legal Aid on behalf of Christina Moreno. Her name is specifically mentioned in the notices of appeal. For this reason, *Diamond v. Charles*, 476 U.S. 54 (1986) and *Torres v. Oakland Scavenger Co.*, 487 U.S. 312 (1988), the cases relied upon by the appellees, do not apply to this case.

2. To the extent that Christina Moreno has standing for this appeal, the Court does not need to concern itself with whether or not The Mexican American Bar Association (MABA) has standing. Nevertheless, in our view, MABA does have standing. Organizations have standing to represent the interests of their membership, see, e.g. *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333 (1977). The MABA membership, as minority attorneys, is comprised of Mexican American eligible voters, the object of the protections afforded by the Voting Rights Act. Also, when this lawsuit was filed, Texas was conducting elections for state district judges pursuant to election changes that had not been precleared by the U.S. Department of Justice as required by federal law. Such elections are clearly illegal. MABA, as an organization of Mexican American attorneys, clearly has an interest in having state district judges elected in a manner that complies with the Voting Rights Act.

CONCLUSION

For the above reasons, the Appellees' Motion to Dismiss should be denied.

Respectfully submitted,

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